Petn Nos 1006 & 1137
dated 15.9.96 & 2.10.96
respectively.

Petitioner: T. Raghavanappa
District Treasure Chikmagalur.

Vide Dy Commr's report

One Mallanna & another applied to the Amildar on 5.6.93 for orders to restore a breached Katte (Survey No. 13, measuring 6 A & 29 guntas & bearing no assessment) for the purpose of irrigating their garden land below the Katte Sur No. 12 measuring 9 A & 36 guntas. When the Amildar was enquiring in the matter the petitioner's tenants objected to the proposed restoration on the ground that several of the petr's lands would be submerged thereby. The Dy Commr after inspecting the place gave an endorsement to the petr on 17.8.9 rejecting his petn & sanctioni the restoration of the Katte. A Much-lika was also taken from the counterpetitioners that they woul so restore that the lands of the petr may not be submerged

behind

apl: 19 Rs Vern: Precis

2

2 The Petr. then appealed to the Govt. against this order on 5.9.93 on the ground, among others, that his Sur Nos. 14 & 15 of the Sivaganga village & Sur No 38 of the Machinahalli village both lying to the east of the Katte & being on the same level with the bed of the tank would be submerged if the flow of water on the western side was stopped by the construction of the Katte in question. After reading the ×report of the Dy Commr. (which gives the facts of the case in full) the Govt. passed the ×following order on 18.12.93 "The Dy Commr. acted contrary to rules in ordering the restoration of the tank without the sanction of Govt. But as it has been restored at some expense, I would allow the Dy Commr. to arrange for the lowering of the Kodi as proposed" viz, by 3 feet. The petitioner was then given an ×endorsement as per margin ~~in these terms~~ on 12.1.94.

} [illegible] Petn of 1893 3rd [illegible]
paper ① 3rd ground

paper ③

papers ③ & ⑤

× paper ④

"The Dy Comr. is directed to a
for lowering the Kodi.. by 3 f
prevent the possibility of
of Petr's lands being subm

P.F. 64 896

G. R. S. IX-5]

Previous references.

1893-94

192

(L.R.)

File No. 85 of 93

Serial Nos. 1—18

Later references.

✓

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1—18

Major ~~Part~~ B for July 1897

SUBJECT.

Appeal of T. Raghavendrappa, Chikkamagalu,
Regarding the repair of a tank.

WD 4238—GPB 20,000—12-6-20

3

Vide Ven Pre: [illegible] 95th Page
Petn [illegible]

No 14 — 1 A 24 gun. Asst 9-0-0
No 15 — 2 A —— Asst 5-8-0

3 The Petr. now states in his Petn. of 8.9.90 that he has obtained no material relief under the said Govt. order in portions of his Sur. Nos. 4 & 5 of Hingunga village & his garden lands Sur. Nos. 35 & 37 & also his wet land Sur. No. 38 of Kachena-halli village are inundated for a period of 1½–2 months in a year; that if Engineering Officers had been consulted he would have obtained proper relief; & that he has been complaining about the submergence for these 3 years to the local Officers in vain; & praying for the removal of the present Kodi of the Katte which is kept in the Petr's land Sur. No 4 of the Kachenahalli village & for its construction in a lower ground so that the storage capacity of the Katte may be diminished. On 2.10.91 the Petr. submitted a ~~reminder~~ duly stamped copy stating also that the Dy. Commr. & the General Asst. Commr. & the Amr. inspected the place on the 2nd instant & the Dy. Commr. gave verbal orders that Petr's grant might himself to lower the Kodi of [illegible]

5

Continued

The report called for, has been received.

In concurrence with the opinions of the Genl Asst Commr and the D.P.W. Sub Dn officer, the Dy Commr proposes the following arrangements

(1) Breaching of the bund of the Katte in the centre – as all other remedies are said to be useless to prevent the petr's land from being submerged

(2) Giving the bed of the Katte (about 6 acres + 29 guntas) to the restorer of the Katte on wet assessment as a sort of compensation for the breaching of the Katte (the restorer is said to be satisfied with this).

= The only authority for implying the consent of the restorer of Katte to the breaching of the same is a remark to that effect in the report of the DPW Sub Dn officer.

In para 4 of Dy Commr's letter no 2965 9/11/93 (serial no 3 in the file) it is stated that on the DPW Sub Dn officer's assurance that the restoration of the Katte would not affect petr's land, permission was given for the restoration of the Katte. But the DPW Sub Dn officer's assurance has evidently been disproved by facts & that officer himself is now of a different opinion and recommends the breaching of the Katte

It would be well, under the circumstances, if a written muchalika be taken from the restorer agreeing to the breaching of the Katte & to the foregoing of all claims to compensation — provided of course the Dy Commr's proposals are sanctioned

The petr's second prayer to be allowed to recover his losses &c is not clear (petn No 1137 serial No 9 in the file)

Subd to 2nd Councillor
(with reference to order on [illegible])
13/2/97

As to the petr's request (petn No 1006) to have the waste-weir removed from his holding (noticed by the Genl Asst Commr in his report), the Dy Commr says nothing in the report probably because he considers the breaching of the Katte sufficient.

Subd to 2nd Councillor
13/2/97

Recd 4 pm.
16/2/97

Recom. when may be sanctioned
3/4/97

~~For~~ before breaching th
Katte as propo
~~before sanction~~
by the DP
~~the DW~~ comm
to ~~ex~~ which he ga
~~first and~~ the builder th
~~[illegible]~~ ~~[illegible]~~
~~consent~~ it is dem
may ~~the written~~ con
that his formal & writ
~~as the~~ demand
sent ~~[illegible]~~
~~of the~~ Katte
be obtained
Dy Comm
proposal to lev
wet assessment
on the land com
on the t
proposed in
of this Council
requires furth
information as to
the source of irr
the land
~~which~~ he has not in
in his letter. The consent
of the man
also be obtd
prospective of
Subject to th
conditions th
Dy Comm

break & to construct a bund round ~~[illegible]~~ the petitioner's lands to prevent submergence, & praying, in addition to his original prayer, for permission to recover his loss of produce & the Kandayam paid by him from [illegible] & also the Kandayam to be paid by him in the current year. Written orders [illegible]

A.R.
2/10

Sub. for orders
[illegible] 3/10

H

From whom? L

Probably from the regulator of the Kattle in a Civil Court but the restorer will take refuge behind the Dt. Comm.'s permission for the restoration of the Kattle and the restorer may not be held liable even though the Dt. Comm. has no power to grant permission. H.T.

Send to [illegible] for report. The lands & the Kattle should be properly inspected by an officer of D.P.W. & the owner of the Kattee made to lower the Kodee to such a level as will leave the Pety's lands un-interfered with

Endorsement to Pety

[illegible]

5/10/96

7/10

7/10

7

(General Serial No. 32.)

1893.

(1)

No. 712

Name of Petitioner. J. Raghavendrappa Inamdar, Kadur District, Devanur.

Village.
Taluk. } Chikmagalur

District. Kadur

Date of Arzi. 5-Sep-93

Date of Receipt. 7-Sep-93

Date of Disposal.

No. of Enclosures. Three

L.R. 85-131

~~Repo~~ Call for D.C.'s report
20/9/93

ABSTRACT.

Appeals against the order of the Dy Commr. Kadur District regarding the repair of a dilapidated Govt. tank by one ~~Sivaganga~~ Hanumanth Rao in the Sivaganga village Tarikere Taluk.

Requests ~~that the~~ repair by the above person may be stopped till final orders of Govt. are passed.

K. 9/9

Ordd. for Commissioner's

20/9

Pet
495

8

MYSORE DEWAN'S OFFICE (2)

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

L.R. 85-93-2

The accompanying Petition No. 712 dated 5th Sept. 1893 received at the Dewan's Office from T. Raghavendrappa Treasurer, Kadur District Treasury praying that the repairs to a dilapidated Govt Tank by one Hanumantha Rao in the Sivapura village, Tarikere Taluk, may be stopped till orders passed by Govt on his present appeal against Dy Commissioner's No 14 929-7-93 is forwarded, together with its 3 enclosures, to the Deputy Commissioner Kadur District, for submission of proceedings with report

By Order,

Draft

Chief Secretary.

BANGALORE, 22/25 Sept 1893.

A.V.

25-9-93

M. G. C. P. Bangalore.—21-11-92—3,000.

[illegible]

10 Kadur District Dy: Commissioner's Office,
295 Dated Chikmaglur 9th/13th November 1893.
Despatched

(3)

From,
The Deputy Commissioner,
Kadur District.

To,
The Chief Secretary to the
Government of Mysore.

Sir,

In reply to your Official Memorandum No. Petn/495 dated 22nd/25th September last, forwarding for report Treasurer Raghavendrappa's petition appealing against my order of the 29th July 1893, giving permission to certain ryots to repair a dilapidated Katte at the Sivagange Village in the Tarikere Taluk, I have the honor to report as follows:-

1. In the Sivagange Village there is a breached Katte, measuring 6 acres and 29 guntas, which was numbered 13 at the Survey Settlement. It bears no assessment. This Katte is neither included in the Tank Register, nor has it any cultivable area below it. The lands below this number, together with lands of 3 or 4 other different villages, are included in the Achkat below the

Tarikere-Dodkere Tank, which brought on in the Tank Register. The Katte in Survey No 13 is stated to have breached several years ago.

2. Behind Survey No. 13 referred to above, there is a garden land bearing Survey No. 12, and measuring 9 acres and 36 guntas, and which was formally acquired by one Hanumanth Row in the year 1892-93. One Chamnagiri Mallamma who is stated to have purchased this land from its holder Hanumantha Row, put in a petition on 5th June 1893 before the Tarikere Amildar praying for orders to restore the Katte (Survey No. 13) at his own expense, as his land, Survey No. 12, depended on it for irrigation.

3. Enquiries were made by the Amildar as to the advisability of restoring the Katte. A few people who were in favor of the restoration said that the breach had occurred about 8 or 10 years ago, and, if it is repaired, the petitioner's land could be well irrigated and cultivated. But the appellant's Mutsaddi in the Chattram at the Sivaganga village objected

[illegible] 18/11/93

9

(General Serial No. 30.)

1893.

8393.

From

The Deputy Commissioner
Kadur District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 9/13 November 1893

Despatched 15th

Received

Enclosures No. 4 file of 1.P.

General No. 296 1893-94
No.

Submitting proceedings with a report on the petition of T. Raghavendrappa, Treasurer, Kadur District Treasury, praying that the repairs to a dilapidated Government tank by one Hanumantha Rao in the Sivaganga Village Tarikere Taluk may be stopped till orders are passed by Government on his present appeal against Deputy Commissioner's order No. 114 dated 29th July 1893.

Petition Branch
16/11/93

Submitted to the Council with reference L.R. 85-93-3

[illegible] 20/11

The Dy Comr ~~was~~ acted contrary to rules in ordering the restoration of the Tank without the sanction of Govt. But as it has been restored at some expense, I would allow the Dy Comr to arrange for the lowering of the Kodi as proposed.

18/12/93

Draft submitted
[illegible] 19/12

Recd 19/12

The drafts may be [illegible]

to the proposed restoration of the tank and put in several petitions requesting the Amildar to personally inspect and pass orders, alleging at the same time ~~and false [illegible]~~ that its restoration would submerge several lands belonging to the appellant in the village.

4. In August last I happened to be at Tavitere and on the petition [illegible] Mailarama praying for order to restore the tank, I inspected the tank and lands above and below it myself in company with the Amildar, D. P. W. Officer, Petitioner. The Sub Division Officer having then stated that the restoration of the tank would not affect the appellant's lands, I passed the following order on 7th August 883 and gave endorsements in pursuance thereto to the appellant and his [illegible].

"The tank in question is shown on the Survey map, and certain of the ryots holding land below it requested permission to restore it (and which was verbally sanctioned) provided they kept the water within the limits shown on the map. From all appearances and accounts the appellant is a large land owner in the neighbourhood "and is anxious to keep them out. This petition is rejected as frivolous."

It is against this order that this appeal is preferred.

5. Hanumantha Rao and Ekamnagiri Ivallamma executed Muchilkar to the effect that they would restore the Katte by filling the existing breach, and that in doing so the lands of the appellant would not be submerged. Hanumantha Rao further bound himself to be responsible for any loss which may accrue to the appellant.

6. Subsequently the breach having been filled in by Hanumantha Rao and Ivalliamma, the Inamdar of the Chattram wired me on 1st September 893 to say that the appellant's lands were submerged and that necessary orders should be passed. Thereupon the Amildar was asked to make an early inspection and issue needful orders in the matter.

7. As I again happened to be at Tarikere on September 15th, I took

the

M the opportunity of inspecting the Katte and found ———— since the appellant's lands are submerged to a small extent I directed the parties concerned to lower the level of the Katte by 2 feet as by that arrangement I found that the lands of the appellant would not be affected in any way.

8. On receipt however of official Memorandum under reply I issued orders to the Amildar to stop all further work to the tank.

9. As the Katte in question was but a reservoir having no Achkat below it, as the restoration thereof was found to injure none, but benefit humanity more a little, as the villagers were in favor of the restoration because of its use to man and cattle, and as the parties concerned executed a Muchalika that they would repair the Katte so as not to interfere with the irrigation of any other lands or with anything else, I did not think it necessary to follow the procedure laid down in Appendix F

of the Land Revenue Rules.

The Vernacular correspondence as per list bearing on the subject, together with the Appeal petition received with the official Memo under reply are forwarded herewith.

I have the honor to be,
Sir,
Your most obedt. Servt.,
HW Sparkes
Deputy Commissioner,
Kadur District.

The waters of the Apinakatte
ank waste-weir in the Machenahally
village which is supplemented by
the flow of water of the Irrikere
Dodkere waste-weir to this Katte,
the waters of Irrikere Dalawaikere
which over-flow after irrigating the
lands under it and the water of the
natural Springs in garden lands,
ll this water run to this Katte in
uestion for about 5 or 6 months
in a year and then passes on to
attehole" through Survey No 12
The Deputy Commissioner has
dered rejecting to entertain
e petition of my Chuttram
Mutsaddy protesting against the
rder of repair and Construction
the Katte in question by Hanoonauth Rao which would damage
y wet and garden lands forming
eater area than the lands which
e katte is supposed to benefit.
his (Mutsaddy) verbal representation
lso seems to have not been

given an hearing

6 I petitioned the Deputy Commis
on the 24th. August 1893 immediat
on hearing from my Mutsuddy
concerning the subject, but my
appeal did not give the relief soug
for. From the above Copy enclosed
the Government will be pleas
to know my humble prayers

7. I beg to point out that the Depu
Commissioner's orders are illeg
on the following grounds.

(I) The Deputy Commissioner by
granting permission to the re-
-toration of a ruined dilapida
Hatta by a private individu
did not adhere to the rules la
down in Appendix F of Page 18
the Land Revenue Rules nor a
to have consulted the D. P. W.
authorities in the matter and
forwarded such Plans and th
Estimates to the Government
for orders reporting the existi
the Revenue derived from
lan

COURT FEE
5-9-93
TWO RUPEES

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D. No. 712R
DATE 7-9-93

The Chief Secretary to the
Government of Mysore.

Most Honored Sir

Enclosures 3.

12-1-94

I the undersigned humbly beg appeal against the order of the Deputy Commissioner Kadur Dis No. 114 dated 29th July 1893 (herewit submitted) regarding the repair of a dilapidated Government (Katte) No. 13 by one Hanoomanth Rao the Sivagunga village of Tarik Taluk.

2 There is a small Katte No. 13
-ated in the Sivagunga villa
which breached several
ago.

3 At the instance of one Hanoomanth Rao the Deputy Commissioner ordered the repairs of th above katte to be executed a his own cost

lands under such tank and the
probable increase after restoration

(II) The Deputy Commissioner in his endorsement to me, states that he has informed Hanumanth Rao so as not to exceed the extent of the quantity of water in the Katte beyond that what is shewn in the Survey map for the water to stay. But for repairing this tank to this xtent even, the Executive Engineer ught to have been consulted which as not been done.

(II) The lands No. 14 and 15 in the Sivagunga village and No. 39 in he Machenahally village in y holding to the east of the Katte i question being situated on e same level with the tank d will be submerged if the ow of water on the western side stopped by the construction the Katte in question. The natural rainage of gardens Nos. 36 and 37 in the vicinity having no room low will also result in serious

Endorsement granted by the Dy Commr Kadur to T. Raghavendrappa in reply to his petition of the 24th instant.

We have given below the Endorsement No: 769 $\frac{2}{21}$ Augst 93 granted to your Gumastah Shamarao in reply to his petition, requesting that the repair of the tank No: 15 may be stopped.

"The tank you mention in your petition of the 7th is shown in the survey & map. As the cultivators of the lands below the tank asked for permission to repair the tank, ~~and~~ we have allowed them to repair the tank only ~~to~~ such an extent that the water may stop in it. We have rejected your petition as we think that you are raising unnecessary objections with the intention of defeating the objects of the cultivators." You should understand that the order granted after personal inspection cannot be altered.

(Sd) K. Ramaswami Iyer

for Dy Commr.

27

[illegible]

[illegible]

[illegible]

[illegible]

28

[illegible]

17-8-23

19-8-23

[illegible]

2-9-23

[illegible]

2-9-23

[illegible] 712-93-94.

[illegible] [illegible]
[illegible] 1 [illegible]
[illegible] 1 [illegible]

[illegible]

5-6-93. [illegible]

[illegible] 12 [illegible]

[illegible] 12 [illegible]
[illegible] 6-18- [illegible] 19 [illegible]
[illegible] 13
[illegible]
19 [illegible]
[illegible]
[illegible] 3 [illegible]

15-6-93. [illegible]

[illegible]

23-6-93. [illegible]

[illegible] 36-37 [illegible]

26

[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 18-7-83.
[illegible]
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[illegible]
[illegible]
[illegible]
[illegible] 6-8-83.
[illegible] 7-7-83.
[illegible]
36-37 [illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible] 5-8-83.
[illegible]
[illegible] 12 [illegible]
[illegible]
[illegible] 8-10 [illegible]
[illegible]
[illegible]

29

5-9-93

12-2-93

[illegible]

4-10-93

11-9-93

5-9-93
22-9-93

8-10-93

9-11-93

(5)

30

Proceedings of the Government of H. H. the Maharaja of Mysore

L. R. 85-93-A

Read:—

(1) Petition Regd. No. 712, dated 5th September 1893, from, T. Raghavendrappa, Treasurer, Chikmagalur, appealing against the order of the Deputy Commr. of Kadur, rejecting Petitioner's objection to the ~~repair~~ restoration, ~~permitted by the Deputy Commr.~~ of a breached Govt. ~~Kunte~~ tank in the village of Sivaganga, Tarikere Taluk, by one Hanumanta Row.

(2) Letter No. 276 dated 9th November 1893, from the Deputy Commissioner Kadur District, stating that the submersion of Petitioner's lands may be prevented ~~from sub-mersion~~ by lowering the Kodi of the tank by 3 feet.

explaining why the restoration of the tank was permitted by him and

Order thereon 31 No. 10751 / Rev: 1034 d/ 23-12-93 / 12-1-94

The Deputy Commissioner acted contrary to rules in ordering the restoration of the tank without the sanction of Government. But, as it has been restored at some expense, the Government are pleased to allow the Deputy Commissioner to arrange for the covering of the Koni as proposed.

23/12/93

Draft
(Council order)

Chief Secretary.

To

The Deputy Commr
Kadur District with
records.

S.V.
20/12

23

Submitted with reference pr[illegible]

PC
19/4

Draft Ltr. as per verbal orders.
PC 13/6

L. R. 85-93-6

1

(General Serial No. 30.)

1894

CE
13-5-95
18 APR. 94
Pet 692

From

The Deputy Commissioner,
Hassan District

(6)

To

The Chief Secretary to the Dewan
of Mysore.

Dated 16th

Despatched 16th

Received

Enclosures No. Nil

General No. 540 } 18.3.94.
No.

Representing the circumstances under which the restoration of the breached katte in the Village of Linganga, Arsikere Taluk, was ordered, &c.

Peter Brand
18.4.94

Recd
19/4.

24/5

34 Deputy Commissioner's Office
Kadur District
Dated, Chickmagalore, 10th April 89.

No 54 C.

From
The Deputy Commissioner
of Kadur District

To
The Chief Secretary to the
Government of Mysore

Sir,

With reference to Government Proceedings No. $\frac{345}{\text{Rct. 1064}}$ dated $\frac{\text{23rd December, 88}}{\text{12th January, 89}}$ observing that I acted contrary to rules in ordering the restoration of the breached Katte at Sivaganga Village without the sanction of Government, I have the honor to state that I did not think it necessary to follow the procedure laid down in Appendix Y of the Land Revenue Rules, as the breached

Katte in question was one without any adhicari below it at any time.

As I feel doubtful about the necessity or otherwise of applying the rules of the Appendix F to Gokattes not proved to be the private property of any similarly circumstanced, I would feel much obliged by being enlightened on the subject.

I have the honor to be
Sir
Your most obedient Servant

H M Sparkes
Deputy Commissioner
Kadur District

Ansd.

1894.

GOVERNMENT OF MYSORE.

PETITION.

PROCEEDINGS

19th June 1894.

No. $\frac{22524\text{-}31}{\text{P. }2056}$.

Directing that all applications for permission to repair tanks or ponds, with or without any atchkat under them, should be fully investigated and reported for orders.

M. G. C. P., Bangalore.—2-7-94.—120.

Proceedings of the Government of His Highness the Maharaja of Mysore,
(Petition),—dated 19th June 1894.

READ:—

Letter No. 530, dated 16th April 1894, from the Deputy Commissioner, Kadur District, stating with reference to Government Proceedings No. 10751—Pet. 1034, dated 23rd December 1893, that he permitted the repair of the Katte in Survey No. 13 at Sivaganga, Tarikere Taluk, without obtaining the sanction of Government, as, according to the accounts, there was no atchkat below it, and soliciting instructions whether the Rules in Appendix F, Revenue Rules, should be applied to Gokattes, similarly situated, and not proved to be the private property of any.

No. 22524-31—PET. 2056, DATED, BANGALORE, 19TH JUNE 1894.

ORDER THEREON.—In view to prevent complaints of the kind brought to notice in connection with the Katte referred to above, the Government are desirous that all applications for permission to repair tanks or ponds should be fully investigated and reported for orders, whether or not there is any atchkat under them.

T. ANANDA ROW,
Chief Secretary.

To—The Deputy Commissioner, Kadur District.
The Deputy Commissioners of other Districts.

V. Records for ref.

2468991

[illegible] 21/9

H°

[illegible] 893 [illegible]

[illegible] 712 [illegible]

[illegible] 10751 [illegible]
P 1034

[illegible]

[illegible]
23-9-96

Smith Rev: Branch on 27- -95 for Ptn 3244/R. 2574 either No 3240/ of /95 from D.C. Bangalore.

[illegible]
23/9/96

Rev. Branch for ref.

L.R. 85 R 3-8

What is this for?

[illegible] 24/9

Ref. put up

26/9

Petitioner prays for enquiry & for revision of Government order No 712 dated 23-12-93 / 12-1-94

Submitted

30/9/96

Previous papers put up. All papers ~~save~~ connected with the matter are the enclosure [illegible] 1/10 [illegible]

Papers are arranged & indexed. Unconnected papers are returned to Rev. Branch

[illegible] 1/10/96

Papers referred to the Rev. Branch
9603/R. 3662 of 18-4-96 in [illegible]
892/8181 of 2/4/96 from [illegible]
8181/R. 3177 of 8/3/96 [illegible]
720 of 2/2/96 from [illegible]
12335/3465 of 12-4-95 from [illegible]
[illegible] of 17/1/95 from [illegible]

189 (8)

No.	1006
Name of Petitioner,	Raghavendrappa, Treasurer
Village,	
Taluk,	Dt Treasury
District,	Kadur
Date of Arzi,	15-9-96
Date of Receipt,	18-9-96
Date of Disposal,	
No. of Enclosure,	Nil

ABSTRACT.

With reference to Govt ~~Resn~~ Endt No 712 dt 23-12-93 / 12-1-94 stating by way of relief the Ex. Engr is directed to lower the Kodi of Katte by 3 feet & that this will prevent petr's lands from being submerged. States that the Govt ~~granted~~ does not practically intended to grant the relief sought ~~does not do anything~~ at least to ~~lessen the mischief in future~~ since even by lowering the Kodi by 3 feet the whole of the water collected is not discharged. Petr therefore begs that some good Engineers may be asked

to inspect the lands
submerged and pass
favorable orders.

B.G.
19/9-

[illegible]
12-1-94

712

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT, (4)
23^d December 1893
12-1-94

Endorsement granted to T. Raghavendrappa, Treasurer, Kadur District Treasury, Chikmagalur

in reply to his Petition Registered No. 712 dated 5th Sept. 1893 appealing against the Kadur Deputy Commissioner's order of 29th August 1893, regarding the restoration of a breached Katte in Sivaganga, Tarikere Taluk.

Petitioner is informed that the Deputy Commissioner is directed to arrange for lowering the Kodi of the Katte by 3 feet to prevent the possibility of any of Petitioner's lands being submerged.

The enclosures are herewith returned.

23/12/93
L.R. 85-93-5

"By Order"

Draft
(Council order)

Chief Secretary.

S.V.
20/12

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.

H2

Stamp Suppt.

Sub. ~~[illegible]~~ with the note

3/10

L.R. 85-93-9

(General Serial No. 32.)

1896. (7)

No. 1137

Name of Petitioner. C. Raghavendrappa

Village. } Near
Taluk. } Chickmagalur

District. Kadur

Date of Arzi. 2-10-96

Date of Receipt. 2-10-96

Date of Disposal.

No. of Enclosures. nil.

ABSTRACT.

Reminder to his petn dated 15th ultimo with refce to Govt. Endt. No: 712 of $\frac{23\text{-}12\text{-}93}{12\text{-}1\text{-}94}$ informing petr that the Dy. Comr is directed to lower the Kodi of the Katte referred to in petn by 3 feet so that his land may not be submerged owing to the restoration of the breached Katte No 13 also referred to in the petn — Petr submits that this arrangement does not do any material good to him since the whole of the water collected cannot be discharged freely.

On the 26th ultimo the Dy. Comr & (Asst. Comr & Amildar inspected the Katte and ordered it would appear petr's [illegible] orally that the Kodi may be lowered one foot more.

Even this does not free his Katte from submersion and

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

therefore requests that the

Govt. may be pleased to order the removal of the Katte Kodi altogether so that petr. may be able to cultivate his lands easily and recover the heavy losses sustained by him -

B.L.
2/10/96

1137
Received 22-10-96

HH

[illegible]
–10–96.
[illegible]

Two Rupees Stamp affixed

The Secretary to the
Government of Mysore (9)
Revenue and General Department
Bangalore.

Respected Sir,

In continuation of my humble application submitted on the 15th ultimo with reference to the Government Endorsement No. 712 dated 23rd December 1893 12th January 1894 issued to me informing that the Deputy Commissioner Kadur District has been directed to arrange for lowering the Kodi of the Katte by three feet to prevent the possibility of any of my lands being submerged by the restoration of the breached Katte No. 13 in the Sivaganga village of Tarikere Taluk, I most respectfully beg to bring to your honor's kind and benign notice that no ~~[illegible]~~ material relief has yet been done to me as the whole water collected in the Katta cannot be freely discharged as the Kodi of the Katta has been located on an elevated ground in my dry land No. 40 of the Machenahally village.

No intimation or order has been favoured either from the Dy. Commissioner or from the Amildar although I have submitted several applications to them.

On Saturday morning of the 26th Ultimo the Deputy Commissioner the General Assistant Commissioner and the Taluk Amildar have, it appears, inspected the Katta in question and the Dy. Commissioner ordered orally to my Gootsaddy that he can lower the present Kodi by one foot more and construct a bund round about my lands so that they may not be submerged by the water of the Katta.

Under these circumstances I most respectfully solicit that early orders may be issued to remove the present Kodi of the Katta altogether and to construct the same in a low ground so that the storage

2 Dr. 4/13

~~(8½)~~

No. Pet/601

47 (9½)

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT. P

L. R. 85-93-10

OFFICIAL MEMORANDUM.

The accompanying ~~[illegible]~~ Petition/Nos. 1006 & 37 dated 15th September and 2nd Oct 1896 received at the Dewan's Office from S. Raghunadappa, Treasurer Kadur District Treasury praying for the total removal of the waste weir of Katte No. 13 in the Sivapura village of Tarikere Taluk constructed on his land No. 40 of the Machenhalli village are ~~is~~ forwarded, ~~together with its~~ ~~the~~ ~~enclosures~~, to the Deputy Commissioner Kadur for report. ~~The Com~~

2. The Dy. Comr. is requested to have the ~~[illegible]~~ and the Katte ~~should be~~ properly inspected by an officer of D.P.W. and to get the sluice lowered by the bottom ~~the inner~~ of the Katte ~~made~~ ~~to lower the [illegible]~~ to such a level as will leave ~~the~~ petitioner's land uninterfered with. By order,

18/10

for ~~Chief~~ Secretary.

BANGALORE,

The 18/10 — 1896

21/1801.

17/10

M.G.C.P.B.—20-2-95—1,000

2 [illegible]

No. 1137 Delivered 21-10-96

48

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,

The 189

Endorsement granted to T. Raghavendrappa, Treasure Keeper District Treasury, Chikmaglur

in reply to his ~~[illegible]~~ Petition Registered No. 1006 & 1137 dated 15th September & 22nd Oct 1896 praying for the total removal of a waste weir of katte No. 13 in the [illegible] village of Tarikere taluk constructed on his land No. 40 [illegible] Machenahally village [illegible]

Petitioner is informed that the Deputy Commissioner has been asked to have the land & the katte properly inspected by an officer of D.P.W. and to fix the level [illegible] the ~~owner~~ of the katte ~~made to lower the [illegible]~~ to such a level as will leave the petitioner's lands uninterfered with.

L. R. 85-93-4

'By Order'

[illegible] 18/10

for ~~Chief~~ Secretary.

18/10
17/10

M.G.C.P.B—19-2-95—1,000

51

(2). The appellant again complained that his lands were being submerged by the water of the Katte, that the Katte had done Consider:able damage to his garden lands. Mr. Spiers inspected these lands on 25.9.1890 and pass the following order:—

"I inspected this & found that the Kodi only requires about deepening a foot more to drain the water off the land Complained of. This should be Car:ried out as personally directed to the parties."

(3). The Amildar of the Tarikere Taluk now reports that though written orders were given to Mailanna Sendee from the resumer of the Katte, he has not as yet lowered the Kodi

(4) As directed in para 2 of the Government Order under reply, the General Assistant Commissioner was requested to have the petitioners' land and the Katte properly

inspected by an Officer of D. P. W. which he has caused to be done by the Sub Division Officer of Tarikere. Copies of Reports received from the Sub Division Officer and of the General Assistant Commissioner are enclosed for information of Government. The General Assistant Commissioner Mr Kumaraswamy Naik states that there can be no question that the petitioners lands are being seriously damaged by the Construction of the Katte, and that there appears to be no complete remedy for this state of affairs short of a breaching of the bund of the Katte in the centre. As this breaching of the bund will have the effect of rendering the Katte useless for any purposes of irrigation and as the petitioner would thereby be put to much undesired loss, it is recommended that the bed of the Katte may be given over to him for cultivation, on Condition of his paying wet assessment therefor. The petitioner will it appears be satisfied with this Concession and a slight increase of revenue will be received.

The appeal petition of T. Raghavendrappa

of

Proceedings of the Govt. of H.H. the Maharaja of Mysore.

(7)

L. R. 85-93-7

Read:—

Letter No 540, dated 16th April 1894 from the Deputy Commissioner Kadur District, stating with reference to Government Proceedings No $\frac{10751}{\text{Pet. 1034}}$, dated 23rd December 1893, that he permitted the repair of the Katte in Survey No 13 at Sivaganga, Tarikere Taluk, without obtaining the sanction of Government, as, according to the accounts there was no achkat below it, and soliciting instructions whether the Rules in Appendix F, Revenue Rules, should be applied to Gokattes, similarly situated, and not proved to be the private property of any.

Order thereon No $\frac{22524\text{-}31}{\text{P. 2056}}$.

" dated 19-6-94.
4/7.

~~The~~ Government are desirous

In view to prevent complaints of the kind brought to notice in connection with the Katte referred to above

No: 61½ [illegible]

54

From

The Officer in charge of
No: 2 Sub Division

To

The General Assistant Commissioner
Madura District

Dated [illegible] 9th November 1896

Sir,

With reference to your No: 36 dated 30. 10. 1896 with enclosures, I beg to inform that I inspected the Kuttay No: 3 of Shivaganga village in Company with the petitioner Matcaddy. The bed area of the Kutta at present reduced level of its natural weir is about 6 acres and the minimum or mean depth of the standing water is about 3/4 of a yard. Hence the Capacity of the Kuttay will be about .38 × 6 or 2.28 units. The extent of the land behind held by the pattadars of this Kuttay is about 10 acres. Out of this only

2¼ ft

2¼ acres can be supplied with water from the Kuttay at its present capacity. But at the present reduced level of the weir of the Kuttay, the Complainants land is submerged by about 2' of water at its lower end over an extent of about 2 acres. During rainy season probably treble the above extent will be submerged by water. In order to entirely relieve the Complainants land from any submersion it seems necessary to reduce the present level of the weir by 2' more for a length of about 20'. This can be done only at the centre of the bund. Then this Kuttay will be entirely useless for any irrigation purposes. I there:fore beg to express my humble opinion as follows:-

The bund may be breached at its lowest bed level and the area of the bed, viz: about 6 acres may then be given out for cultivation at wet assessment to the restorer of the Cuttay in compensation to

the

37

~~above~~, that all applications for permission to repair tanks or ponds should be fully investigated and reported for orders, whether or not there is any [illegible] achkat under them.

13/6/94

Draft. ~~Print~~

13/6

Chief Secretary

19/6

To the Dy Comr Kadur Dt
" Dy Comrs of other Dts

S.V.

Copy to all Dy Comrs

Recd 15 June
V.J.

Printed copies despd on 4/7/94 —

Press copy sent.
28/6.

46 capacity of water in the Nat
may be diminished ~~and~~ to enable
my ryots to cultivate my lands
and to allow me to recover the
loss of produce sustained by
the inundation and the amount
of Rev. Kandayam paid by me from
1873 together with the amount
of the Kandayam to be paid by me
during the current year

Hoping to be pardoned for
the intrusion.

I beg to remain
Most Obedient
your most obedient and
humble servant
[illegible]

B[illegible]
dt. [illegible]

No: 45

57

General Assistant Commissioner's
Office
Kadur District
Chickmagalur dated 2nd December 93

From

The General Assistant Commissioner
Kadur District

To.

The Deputy Commissioner
Kadur District

Sir,

In forwarding herewith, in original, Tarikere Sub-Division Officer's letter No: 52 dated 8/9th November 1893, received in reply to a reference made from this Office, in pursuance of instructions conveyed in the Deputy Commissioner's docket No 672 dated 2nd October last, in connection with the Complaint of T. Raghavendrappa regarding the waste-weir of a Kattey in Survey No: 3 of [illegible] village, Tarikere Taluk, I have the honor to State as follows:-

2 From the above reply of the Sub Division Officer of Tarikere, it is clear, that in order to entirely relieve petitioner Raghavendrappa's

lands from any submersion the level of the waste-weir requires to be further reduced by 2 feet, and that this reduction of the Waste weir level, shall have to be done at the centre of the bund.

3. The Sub Division Officer being of opinion that the Kuttay would then be rendered entirely useless for purposes of irrigation, suggests that it may be breached altogether, at its lowest bed level, and the area of the bed given away to the [illegible] of the Kuttay for Cultivation at wet assessment, in Compensation for the loss that the latter would incur by breaching the Kuttay.

4. According to the complaint of the petitioners, I beg to submit, that there are two questions to be decided in this case.

Firstly. Getting the waste-weir lowered by the [illegible] of the Kuttay to such a level as will leave the petitioners lands Completely free from submersion.

Secondly. Removing the present waste-weir altogether as it is said to have been Construct:ed on the petitioners land (S.No. of the Madienniatty village?

5. As I am not in possession of the entire records connected with the Kuttay in question, I beg to state, that I am unable to say whether the restorer of the Kuttay had obtained previous sanction of Government to the restoration; if so, under what conditions he was permitted to do the same, and, lastly whether Government were satisfied before according their sanction that the restoration of the said Kuttay would not interfere either with the existing rights of any private individuals or the supply of water to Government tanks situated below.

6. There can be no question that the petitioner's lands are being seriously damaged by the construction of the said Kuttay which has its [illegible] level which, though once reduced by three feet, seems to be still so high that, it is stated, it would cause the submersion of about Six acres of the petitioner's lands during the rainy weather.

The orders issued by Government in their Official Memorandum received with the Deputy Commissioner's docket mentioned above are however to the effect that the Kodi level of the Kuttay should be caused to be lowered by the restorer of the Kuttay to such a limit as will leave the petitioner's lands uninterfered with, if

petitioner's complaints in this behalf have to be completely put a stop to, the waste-weir built on his private land shall have to be caused to be removed as well.

7. If the Deputy Commissioner will be pleased to order both, or either of these things being done, necessary steps will be taken to duly carry out the same. In case of sanction having been already ac:corded to the restoration of the Kuttay, I think it would be a great hardship to the restorer to reduce the Kuttay to the same state as it was before, which he has to do

now

61

now, in order to give complete relief to the petitioner.

8. Under the special circumstances of the case, I beg to submit that as the petitioner of the Kuttay would be put to much loss, by breaching the Kuttay, which seems unavoidable, the bed of the Kuttay may be given over to him for cultivation on condition of his paying the required wet assessment thereon, as suggested by the Sub-Division Officer of Tarikere.

9. The enclosures are herewith returned.

I have &c

Signed/ B. J. Kumaraswamy Naik
General Asst. Commissioner
Kadur District

"Copy"

Asst. Deputy Commissioner
Kadur District

Copied by

601

49

REVENUE DEPARTMENT.
Gl. No. 5157
1897 Pet No. 487
6 - FEB. 97
DEWAN'S OFFICE.

From

The Deputy Commissioner
Kadur District

To

The Secretary to Government
General and Rev. Deptt

Dated 2nd February 1897
Despatched 5th
Received
General No. 487 of 1896-97.
No.

Enclosure **No.** 2 with Petitions & records.

... Submitting report on the petition of T. Raghavendrappa, Treasurer, Kadur District Treasury praying for the total removal of waste-weir of Katte No: 13 in the Sivaganga Village of Tarikere Tal. Constructed on his land No 40 of the Machenahally Village.

r Branch

ease put up the
eferences quoted in the
were sent to Rev. Br.
ed on 2/1-97
Genl 4672 + 4673
R 3258 R 3359
m DC Hassan No.
5: 7656 d/ 4-1-97.

R 83 - 93 - 12

9/2

put up.

7/2

Recd 8/2

Petition Branch
6/2/97

(62)

1006

By post registered

Two petitions in one &

the same cover:

BN

8/9/96

62

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
REG'D No. 1006 R
DATE 18-9-96

(8)

The Secretary to the
Government of Mysore.
Revenue and General Department
Bangalore.

Honored Sir.

With reference to the Government Endorsement No: 712 dated 23rd December 1893 / 12th January 1894 informing me that the Deputy Commissioner is directed to arrange for lowering the Kodi of Katte by three feet to prevent the possibility of any of my lands being submerged owing to the restoration of the breached Katte No: 6 in the Sivaganga Village of Tarikere Taluk I most respectfully beg to represent that under the Government order no material relief has yet been done to me by lowering the three feet and the whole water collected cannot be freely discharged as the said Kodi has been located on an elevated ground. The mistake, I believe, is due to the fact that no professional Engineering Officers were consulted as to, by what length, the Kodi ought to be lowered to prevent the inundation of my lands, portion of Survey No: 4 measuring 6 acres and 24 guntas assessed at Rs: 19-0-0 and a portion of Survey No: 15 measuring 2 acres assessed at Rs 5-8-0 making up a total of 8 acres and 24 guntas assessed at Rs 24-8-0 which I have been paying in vain for the last three years. During which period I have made several representations to the Deputy Commissioner and other Local Officers that it is unjust on their part to demand for Candayam amount while my lands have been quite submerged and thereby rendering it thoroughly unfit for cultivation. My Complaints were not at all heeded.

Not only the above said two wet lands have been thus made unfit for cultivation but also the produce of my other Harandi lands No: 36 and 37 and wet land No: 38 of Machenahalli village are seriously damaged owing to the extension of stoppage of the water of the said Katte in the above said lands for a period of one or two months in the course of every year.

If this state of affairs should continue, I am affraid that I would incur a heavy loss and I think I am equally entitled like any other landsmen paying Syst to receive a just redress for my grievance

When this breached Katte was newly constructed to improve the storage capacity of water it was the duty of the Local officers to see before undertaking such repairs &c that no damage is done or likely to be done to the surrounding crop yielding lands, which was not done.

Under these circumstances I respectfully beg that early orders may be issued to remove the present Kodi altogether kept in my land No: 40 of the Machenahally

Village and to construct the same in a low ground so that the storage-capacity of the Katte in question may be deminished. If this is done there will be the relief sought for.

Begging to be pardoned for the intrusion upon your valuable moments.

I beg to remain
Honored Sir
Your most obedient & humble Servant

Treasurer
Kadur District Treasury

Chikmagalur
15th September 1896

Repository & Petition Dept
14/3 To be sent to the Petition Branch
J.S.
12/3/97

66

Pet No 484.
mentioned letter was sent to 2nd Councillor on 15/2

on ½ The previous reference under title was sent to 2nd Councillor on 15-2-97 and has not been received back as yet.

L.R. 83-93-4.3

5/4/97

Returned to-day.
Put this in the file
M 6/4/97

484
2nd 15/2

GL. 750
1897 6 MAR
Gen 506

From
The Deputy Commissioner
Kadur District

To
The Secretary to Government
General & Rev. Departments

Dated 23th Februa 1897
Despatched 3 March 1897
Received
General No. 567
No.

Enclosure No.

Submitting an application from T. Raghavendrappa, Treasurer, Kadur District Treasury, requesting that the bed of the Katte at Siva Gange Village, Tarikere Taluk may be given over to him for cultivation &c. and stating that, in the circumstances now explained, it would be advisable to adhere to the Deputy Commissioner's original proposal made in his letter No: 487 dated 2nd February 189

Rw 6/3/97
Ref. 4/3

Deputy Commissioner's office
Kadur District

67 Dated Chikmagalur 27th February
1897

From

The Deputy Commissioner
Kadur District

To

The Secretary to Government
General & Revenue Departments

Sir,

In continuation of my letter No: 487 dated 2nd instant submitting report on the petition of Mr T. Raghavendrappa, Treasurer, re Katte in Survey No: 13 in the Siva Gange Village of the Tarikere Taluk, I have the honour to forward herewith an application since received from Mr. Raghavendrappa dated 22nd idem requesting that the bed of the Katte may be given over to him for cultivation and stating that he would compensate the vendee from the restorer of the Katte.

2. I am unable to agree in the view of Mr. Raghavendrappa (para 4) that the purchaser from the original restorer is entitled to no compensation, inasmuch as the purchaser may be presumed to have paid valuable consideration for his purchase. It may however be conceded hat the purchaser is not entitled to the same amount of consideration as the original restorer,

1095

DEPUTY COMMISSIONER'S OFFICE
FEB. 24 1897
KADUR DISTRICT

23-2-97

To

Thomas [illegible] Esquire
Deputy Commissioner
Kadur District.

Res. Submitted.

References put up for orders.
SD.

Most Respected Sir,

In obedience to your honour's [illegible] dated 8th instant passed on Docket No. 221 informing me that recommendation has been made to Government that (firstly) the Katte No. 3 in the Sivaganga village of Tarikere Taluk should be breached in the centre so as to afford relief to me and (secondly) that the bed of the Katte be given out to the petitioner for cultivation as compensation for any loss that may have been sustained by him in respect of the Katte, I humbly beg to submit the following representations to your honour's kind consideration.

2. I am highly indebted to your honour for the kindness shown to me in recommending to Government that the Katte should be breached in the centre so as to afford relief to me and thus enable me to cultivate land No. 20 and 15 assessed at Rs 8 [illegible] per annum.

3. Your honour is, I believe, fully aware of the previous history of the Ca

for cultivation as I have got the proprietary right over the whole village. In spite of my humble representation if your honour should yet be disposed to compensate the said Mallammah I respectfully solicit that an estimate may be ordered to be framed for the actual cost of repairing the breached portions of the bund of the Katte which had been undertaken by the original restorer Mysore Hanumanth Rao, and I shall be prepared to pay up the amount which may be ordered to be paid to Mallammah as compensation.

5. For this act of kindness I shall ever pray for honour's long life and prosperity.

I humbly beg to remain
Most Respected Sir
Your most obedient & humble
Servant,
T. Raghavendrappa
Treasurer

Dated 22nd February 1897
Chikmagalur.

YH

L. R. 83-93-114

2 8 [illegible] for [illegible]

Proceedings of the Govt. of Mysore

Read. (1)

(1) Petition No. 1006 (?) dated 5th Sept 1892 [illegible] from T. [illegible], district [illegible] Chikmagalur, praying for the removal of waste weir of tank Sy. No. 13 of the [illegible] village [illegible] which constructed on his land Sy. No. [illegible] of [illegible]halli village ~~to prevent submergence~~ ~~of his lands from~~ ~~[illegible]~~ ~~submergence~~

the restoration of which had the effect of submerging his lands under water during the greater part of the year

(2) Letter No. [illegible] dated 2nd February 1893 from the Dy. Commr. Kadur district, reporting ~~[illegible]~~ with reference to the above letter that he would ~~propose~~ recommend the breaching of the tank in the centre & ~~[illegible]~~ [illegible] the bed of the tank on assessment to the raiyats of the tank as compensation therefor.

(3) Read again Govt. Proceedings No. 10751 / Rev. 1034 dated 23-[illegible]-93 / 12-[illegible]-94 directing ~~[illegible]~~ the Deputy Commissioner to arrange for the lowering of the [illegible] by 3 feet as proposed by him.

(1527)

Order thereon No. 9017 / Rev. 464-93 dated [illegible]

Govt. consider it desirable that before breaching the tank as proposed by the Dy. Commr. (to which he thinks the holders thereof may consent) the formal & written consent of the holders should be obtained. ~~[illegible]~~ The consent of the holders to pay full assessment should be obtained. It is

Observed that the Deputy Commr. ~~[illegible]~~ has not ~~[illegible]~~ furnished information as to the source of irrigation for the land comprised in the bed of this tank on wh. ~~before~~ it was proposed to levy wet assessment ~~[illegible]~~ subject to these conditions the Deputy Commissioner's recommendations are sanctioned.

75

Dft.
C2

Secretary.

9/4/97

C.G.K.
9/4/97

To
The Dy Commr. [illegible].

76

L.R. 83-93-15

[illegible] 1006 [illegible] 17-4-97
[illegible]

[illegible]

[illegible]
[illegible] 15.9.96 [illegible]
[illegible]

[illegible]

[illegible]

By order

M.K.
13/4/97

Office of the Deputy Commissioner Kadur
Dated Chickmagalur 2nd February 189

50

From

The Deputy Commissioner
Kadur District

To

The Secretary to Government
General and Revenue Departments

In reply to Official memo No: $\frac{\text{Pet}}{601}$ dated 18th October last, forwarding for report the petition received from T. Raghavendra:appa, Treasurer, Kadur District Treasury praying for the total removal of Waste Weir of Katte No 13 in the Sivagange village of the Tarikere Taluk, Constructed on his land Survey No: 40 of the Machenhally Village, has the honor to report as follows:-

(1) As regards the previous history of the Case, reference is invited to Government Proceedings No: $\frac{10751}{\text{Pet } 1034}$ dated 23rd December 1893 in which Government were pleased to allow the Deputy Commissioner to Cause the lowering of the Kodi by 3 feet, as proposed by Mr. Sparkes in his letter No: 296 dated 9th November 1893 which was done.

5B

& the connected records are herewith transmitted for reference.

Deputy Commissioner
Kadur District

Copd Ch

77

(14)

REVENUE DEPARTMENT
GL. 649
Ext 61
JUL. 97
DEWAN'S OFFICE

Gen. 31.]

189

~~L.R. 83-93-16~~

Petition
21/7/97

Rep put up (R 7064 of 96)

AK
22/7/97.

Submitted
BCh
23/7/97

The DY Commr reports that the above order has been given effect to
Subd to 2nd Councillor (for information)

M 24/7/97

R.G. Phe
24.7.97

Read memo
Have an endorst
to be sent
[illegible]
26.7.97

KK
27/7/97

1. Draft proceedings
2. Ditto endts
M 27/7/97

2 Dfts put up
KK
27/7/97

From The Deputy Commr
Kadur District

To The Secretary to Govt
General and Revenue Depts

Dated 17th do
Despatched 19 July
Received

General No. 62
No.

Enclosure No. nil

With reference to G.O. No 2017 / R.3064-96 dated 9th April last passing orders regarding the breaching of the katte survey No. 3 of the [illegible] Gange village Tarikere Taluk has the honor to report for the information of Government that on the vendee from the petitioner of the katte consenting in writing to pay the wet assessment, the undersigned has issued orders to breach the katte and to give over the bed loss incurred by him in restoring the Kuttay. By this arrangement not only the Government will be profitted by an annual increase of Revenue by about Rs 30 or 40, but also the Complaints of both the petitioner and restorer will be subsided. By my personal enquiry the restorer has given his Consent to the above proposal

XX

The land of the restorer behind the Kuttay Can also be irrigated by lifting water by a dam across the present Cody halla if he means to Cultivate it for wet.

I beg &c
Signed/ R Raghunath Iengar
No. 4 Sub Divisional Officer

Copy/

Deputy Commissioner
Kadur District

Copd Ch

inasmuch as an element of speculation may have been present in the transaction.

3. As it now appears that the original restorer has not to be dealt with, I am of opinion that the purchaser's rights might be compensated in the analogy of the principle of equity applying to purchasers of actionable claims (Chapter VIII and Section 135 of Transfer of Property Act) that is to say by allowing Mr Raghavendrappa to discharge the claim by paying to the purchaser the actual price paid by the latter to the original restorer plus incidental expenses and interest from date of purchase.

4. While the above proposal would in my opinion meet the equity of the case, it is perhaps open to the objection that the arrangement cannot be enforced on the purchaser, in case the latter should object to receive the amount.

5. In the circumstances I think it advisable to adhere to my original proposal made in letter No: 487 dated 2nd instant. The proposal therein made, if sanctioned by Government, will not preclude Mr Raghavendrappa, from hereafter settling the matter amicably with the purchaser, in some such manner as is

for cultivation.

2. It is reported by the Amildar of the taluk that the vendee is willing to allow water to the land under the Khatte from the Dalavai Tank, the adjoining wet lands being irrigated from the same source.

Deputy Commr.
Kadur District

19

L.R. 83-93-17

2 drafts (15)

Proceedings of the Govt. of Highne

Read :- Docket No 62 dated 7th July 1897 from the Deputy Commissioner Kadur District reporting with reference to Govt. Proceedings No $\frac{9017}{R.764-96}$ dated ~~9-4-97~~ 9th April 1897 passing orders regarding the breaching of the Katte Survey No 15 of the Siva Ganga village, Tarikere Taluk that he has issued orders to break the Katte and to give over the bed for cultivation to the vendee Mallamma on his consenting in writing to pay wet assessment, and that the vendee has also ~~at~~ consented to allow water to the land under the Katte from the Dalavai Tank which irrigates the adjoining wet lands &c.

Order thereon :- No $\frac{1357}{R.T.04-96}$ dated 30th

Dated, Bangalore, July 1897

P.T.O

No: 1006-1137 Issued 30.7.97

(16)

81

L.R. 83-23-18

[illegible]

[illegible] 40 [illegible]

[illegible] 13 [illegible]

[illegible] 15.9.96 [illegible]

[illegible]

12 [illegible]

[illegible]

[illegible] 28 [illegible]

By order

for Secy

Dft.

described on the above suggestion.

I have the honor to be
Sir
Your Most obedient servant.

Deputy Commissioner
Kadur District.

In 1893 the then Deputy Commissioner, Mr. H. H. Sparkes, ordered the restoration of the Katte in question. This order was neither in conformity with the rules, nor was it approved of ultimately by Government. Records show that I have been repeatedly protesting against this order but the authorities were not kind enough to listen to my protestations although my case was one which required immediate redress. Consequently I had to incur heavy loss as detailed below since 1893 which amounts to Rs 338/. as follows:-

	acreage	assessment
	A. G.	Rs. as. p.
(1) Annual Assessment for a portion of my submerged land (Survey No. 14)	6-24	19-"-"
.... Do. 15	2-"	5-8-"
Total	ac 8-24	24-8-"

	Rs as p
Thus for the past four years ie 1893-94 to 1896-97 it amounts to Rs 98." "	98-"-"
(2) The probable produce of the said two lands would be 24 Candies of paddy for four years at an average rate of six candies for each year at Rs 10/- per candy	240 "
Grand total	Rs 338 " "

4. Your honor has recommended to Government that Mallammah, the present holder of the land No. 12 may be given the bed of the Katte as compensation for the loss he sustains in restoring this

I beg to represent that this Mallannah is not the actual restorer of the Katte, but only the purchaser of land No. 12 from one Mysore Hanmanth Rau who was the actu restorer of the Katte. Under these circumstances I again represent that Mallannah does not deserve any compensation whatever as he has sustained no loss.

5. This Sivaganga village owes its existence to my father and uncle who spent in its formation large sums of money. Even now (except three cultiva table lands) all the rest exclusively belong to me and are under my immedia Control and enjoyment. I pay an an nual assessment of Rs 431-12-4 to Gove ment and all the lands around the bed of the Katte excepting land No. 12 are in my possession as said above. The are no other Government waste lands in the village.

6. If the bed of the Katte is given over to Mallannah my ryots in the village will have to experience great inconveniences and hardships. This fact may kindly be ascertained by personal inspection, if necessary.

7. I, therefore, beg your honour t kindly give me the bed of the Katte

Recorded.

80

"By order"

'Dft'
C2

M.
For Secy

To

The Dy Commr Kadur Dist

kll
28/7/97